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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,492

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EXAMINER

SOMERS, MARC S

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,492	Applicant(s) FURUSHO, SHINJI	
	Examiner MARC SOMERS	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments to the claims were received on 12/16/2008. Claims 1-28 are pending where claims 1-28 were previously presented.

Specification

2. The applicant has submitted a new Abstract on 12/16/2008. The new Abstract is around 150 words therefore the objection to the specification has been withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4, 7, 9-14, and 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Referring to claim 7, the claim recites the term "value list" in para. 4 of the claim. However it is unclear as to which of the two value lists is being referenced.

35 USC § 101

6. The applicant has amended the claims to recite a computer memory such as RAM, ROM, a hard disk, and a CD-ROM. In light of the amendment to the claims, the rejection to claims 9-12 and 27-28 are withdrawn.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2000339390 by Kosho Shinji (hereafter Kosho), as provided by the Applicant (an Examiner-obtained translation of the publication is being used for the rejection).

9. With regard to claim 1, Kosho discloses a data processing method for extracting a subset as a processing object from a tabular format data expressed as an array of records each including an item and an item value belonging to the item (see the Abstract), comprising:

a) constructing the tabular format data by creating information blocks corresponding to respective items, each information block including a first value list in which the item values are stored in order of item value numbers corresponding to the item values and a first pointer array in which pointer values indicating the item value numbers are stored in order of unique record numbers (see Abstract and see paragraph [0005]);

b) creating an ordered set array containing record numbers of records selected from the array of the records, wherein the selected record numbers are arranged in a specified order in the ordered set array (see paragraphs [0005] and [0012]; a sorting

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array or ordered set array is created/generated where the array contains records from the array of records or tabular format data);

c) arranging a pointer value in the first pointer array at a position indicated by each of the record numbers of the ordered set array into an item value number array at a position corresponding to a position where the record number is arranged in the ordered set array (see paragraphs [0005], [0006], [0012], and [0013]; an item value number array or position direction array is used where the contents of the array are sorted/organized based on the ordered set array or sorting array);

and d) creating a second value list storing value elements contained in the item value number array and a second pointer array storing position elements indicating elements in the second value list corresponding to the record numbers by referring to the item value number array (see paragraphs [0008] and [0009]; the selected subset of data have an information block that refers to the subset via a second pointer array and its respective value list, i.e. the second value list),

wherein a value in the first value list is specified from a record number of the ordered set array through an element in the second pointer array at a position indicted by the record number and an element in the second value list at a position indicated by the element in the second pointer array (see paragraphs [0008], [0009], [0010], and [0011]; the sub tabular data in the information block is the selected/specified data from the tabular format data where the information block refers to the data in a first value list via a second pointer array based on the position/number of the record and also the data in the first value list is referred to by the second value list of the information block based

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on the sorted positions of the records in a similar manner as sorted in the second pointer array).

10. Claim 3 is substantially similar to claim 1 and is thereby rejected for the same reasons as claim 1 above.

11. Claims 9 and 11 are directed to data processing programs (see paragraph [0019]) and are substantially similar to claims 1 and 3 above. As such, claims 9 and 11 are rejected for the same reasons noted above.

12. With regard to claims 2 and 10, Kosho discloses sorting the elements in the item value number array, creating a third array in a state when a duplicate value is excluded, and substituting the created third array for the second value list; and creating the second pointer array by converting the elements in the item value number array to reflect the sort of the elements in the item value number array and the exclusion of the duplicate value (see paragraphs [0012], [0014], [0015], and [0016]; overlapping or duplicate values are found and removed/excluded so that the value list or third array maintains the integrity of the information block by keeping track of the various distinct values of the information block while using a new/modified pointer array that is sorted based on the original sort order).

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13. With regard to claims 4, 12-14, 27, and 28, Kosho discloses comparing a size of the ordered set array with a size of the first value list, wherein, as a result of the comparison when size of the array is smaller than the size of the first value list at a predetermined rate, then steps (c) and (d) are performed (see paragraphs [0009], [0010], [0011], and [0017]; when the selected items from the first value list are selected and sorted then the system creates an information block corresponding to the subset of data based on the steps (c) and (d) as discussed above with regard to the independent claims).

14. With regard to claims 5 and 15-17, Kosho discloses specifying an element indicating an item value as a retrieval object among elements in the second value list; arraying a value indicating that a flag is on at a position corresponding to a position of a specified element in a flag array having the same size as the second value list; specifying an element of the second pointer array indicated by a record number in the ordered set; referring to a state of a flag at a position indicated by an element of the second pointer array in the flag array; and successively arranging the record number into a newly provided ordered set array for output in a case where the state of the flag is on (see paragraphs [0022]-[0025]; the item values to be searched/retrieved are specified in the value list and pointer list and the corresponding position in a flag array is set; the results or result set is provided as output).

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15. With regard to claims 6 and 18-20, Kosho discloses creating a classification array in which a classification number indicating a category of a value is arranged correspondingly to an element of the second value list; specifying a record number in the ordered set array corresponding to the specified classification number; and performing aggregation using a predetermined value list item value indicated by the specified record number (see paragraphs [0023]-[0025]; a classification array is used and the values of the array correspond to the values of the value lists where the specified record numbers are gathered/aggregated).

16. With regard to claims 7 and 21-23, Kosho discloses calculating an existence number as the number of elements indicated by the second pointer array for each value of the second value list; creating, based on the existence number, a cumulative number array corresponding to a value of the second value list and indicating a head position at which a record number in the ordered set array is to be arranged; and referring to the cumulative array and arranging a record number of the ordered set array into an array for output so that a sort order of the item values in the value list is reflected (presence number, paragraphs [0023]-[0027]; the presence or existence of elements/records is calculated and a number array is arranged with a head/start position and is used as a result set or output).

17. With regard to claims 8 and 24-26, Kosho discloses finding an item to be shared in each of the plural tabular format data; equating item values in the second value list of

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the information block relating to the item; and in response to equating the item values, updating an element in the second pointer array in each of the information blocks in accordance with a change in arrangement of the item values (paragraphs [0012] and [0023]-[0027]; items/records are searched and found where the items/records are found to be equivalent/equated and then they are joined and ordered/sorted according to the sorting order of the items/records).

Response to Arguments

18. Applicant's arguments (see first paragraph on page 20) with respect to the Abstract of the Disclosure have been fully considered and are persuasive. The objection to the specification has been withdrawn. The applicant has submitted a new Abstract on 12/16/2008. The new Abstract is around 150 words therefore the objection to the specification has been withdrawn.

19. Applicant's arguments (see second paragraph on page 20 through the last paragraph on page 20 and the second to last paragraph on page 22) have been fully considered but they are not persuasive. The applicant has amended the claims substantially in order to make the record clear as to what the claims are directed towards; however, not all of the 35 USC 112 rejections were corrected as discussed above. In particular, claim 7 recites the term "value list" in paragraph 4 of the claim. However it is unclear as to which of the two value lists is being referenced.

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20. Applicant's arguments (see first paragraph on page 21 and last paragraph on page 22) with respect to the claim rejections under 35 USC 101 have been fully considered and are persuasive. The rejection of claims 9 and 11 under 35 USC 101 has been withdrawn. The applicant has amended the claims to recite a computer memory such as RAM, ROM, a hard disk, and a CD-ROM. In light of the amendment to the claims, the rejection to claims 9-12 and 27-28 are withdrawn.

21. Applicant's arguments (see second to last paragraph on page 23 through the last paragraph on page 25) have been fully considered but they are not persuasive. The applicant has stated that the applied prior art reference (JP2000339390 by Kosho Shinji, hereinafter the Kosho reference) corresponds to the United States Patent 6,721,751 and then the applicant addressed the claim rejection with regard to the teachings from US 6,721,751. The Examiner appreciates the identification of other references that are related to the current application and the Kosho reference. However, the US 6,721,751 reference appears to be directed towards a different invention from the Kosho reference. For instance, the inventor of the US 6,721,751 reference is Shinji Furusho while the inventor of the cited prior art reference is Kosho Shinji. Even if the US 6,721,751 reference claims priority to the Kosho reference, since both references have different inventors and, presumably, at least slightly different teachings then the applicant's arguments are moot in light of the fact that the applicant is arguing a reference that was not applied to the claims and further arguing a reference

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that has different teachings and a different inventive entity than the Kosho reference.

Therefore, in light of the applicant's arguments, the rejections to the claims still stand.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Furusho [EP 1191462 A1].

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC SOMERS whose telephone number is (571)270-3567. The examiner can normally be reached on 8 am - 4 pm EST Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on (571) 272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. S./
Examiner, Art Unit 2169
MS
2/26/2009

/James Trujillo/
Supervisory Patent Examiner, Art
Unit 2169